

**IN THE UNITED STATES DISTRICT COURT
DISTRICT OF MASSACHUSETTS**

EGYPT HOUSE,

Plaintiff,

v.

JOHN P. KELLEY, As An Individual And In His Capacity As Chairman Of The Board Of Assessors, WILLIAM J. WILLIS, As An Individual And In His Capacity As Member Of The Board Of Assessors, JONATHAN LEDERMAN, As An Individual And In His Capacity As Member Of The Board Of Assessors, TODD LARAMIE, As An Individual And In His Capacity As Assistant Assessor, KAREN D. BERTOLINO, As An Individual And Former Assistant Assessor, MICHAEL TUMULTY, As An Individual, In His Capacity As Assistant Assessor (Ret.), And Consultant To The Town Of Marblehead, DOUGLAS E. PERCY, As An Individual And In His Capacity As Member Of Board Of Assessors, BOARD OF ASSESSORS, TOWN OF MARBLEHEAD, The TOWN OF MARBLEHEAD, A Massachusetts Township, THATCHER W. KEZER, III, As An Individual And In His Capacity As Town Administrator, LISA L. MEAD, As An Individual And In Her Capacity As Town Counsel, ADAM J. COSTA Of Mead, Talerman & Costa, LLC, As An Individual And In His Capacity As Counsel To The Town Of Marblehead, Matthew D. Provencher Of Mead, Talerman & Costa, LLC, As An Individual And In His Capacity As Counsel To The Town Of Marblehead,

Defendants.

C.A. No.: 1:25-cv-10597-BEM

**DEFENDANTS ADAM COSTA, LISA MEAD, AND MATTHEW PROVENCHER'S
MOTION FOR REASONABLE ATTORNEYS' FEES**

NOW COME Defendants Adam Costa, Esq., Lisa Mead, Esq., and Matthew Provencher, Esq. (collectively "Attorney Defendants") and hereby respectfully move this Court for an Order awarding their reasonable attorneys' fees incurred in defending against Plaintiff's Emergency Motion For A Temporary Restraining Order And Preliminary Injunction (Dkt. 115) ("Plaintiff's

Motion”). As noted in the Court’s November 5, 2025 Order, Plaintiff’s Motion contained material misrepresentations of critical facts. *See* November 5, 2025 Order, Dkt. 129, pg. 1. Plaintiff’s Motion contained the following factual misstatements:

- That “[o]nly ordained clergy may handle sacred objects”; Defendants had “demanded unconditional access” to the premises and “rejected all accommodations” for the inspection, including the “temporary covering of sacred objects”; and Plaintiff had thereafter suffered the “*forced*” photography of consecrated chapel over religious objections.” Dkt. 115 at 3–4 (emphasis added); *see also* November 5, 2025 Order, Dkt. 129, pg. 1.
- That the Attorney Defendants had compelled or sought to compel Plaintiff to disclose the names of “worshippers, pilgrims, and penitents in violation of clearly established First Amendment law,” and the names of those who had sought confession at Plaintiff’s property. Dkt. 115 at 2, 4, 11; *see also* November 5, 2025 Order, Dkt. 129, pg. 2.

Contrary to the assertions in Plaintiff’s Motion, in fact, no objects that Plaintiff considered sacred were handled and all were covered, and there was no discovery request or order compelling Plaintiff to produce a list of worshippers, pilgrims, and penitents or of those who had sought confession. *See* November 5, 2025 Order, Dkt. 129, pgs. 2-3.

The Attorney Defendants incurred reasonable attorneys’ fees in rebutting material misrepresentations of fact in Plaintiff’s Motion and otherwise defending against Plaintiff’s Motion. Accordingly, an award of the Attorney Defendants’ reasonable attorneys’ fees in defending against Plaintiff’s Motion is an appropriate sanction. *See* Fed. R. Civ. P. 11(c).

In further support of this their Motion, the Attorney Defendants refer the Court to their Memorandum of Law in support of this motion and the Affidavit of Attorney and Anne V. Kim filed therewith as Exhibit A.

WHEREFORE, Defendants Adam Costa, Esq., Lisa Mead, Esq., and Matthew Provencher Esq. respectfully requests that this Court enter an order:

1. Awarding their reasonable attorneys' fees incurred in defendant against Plaintiff's Motion in the amount of \$5,895.00.
2. Granting such other relief as is just and equitable.

Respectfully submitted,

DEFENDANTS ADAM J. COSTA, LISA L. MEAD, AND
MATTHEW D. PROVENCHER,

By their Attorneys,

/s/Anne V. Kim

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Dated: November 19, 2025

*Attorneys for Defendants Adam J. Costa, Lisa L.
Mead, and Matthew D. Provencher*

CERTIFICATION PURSUANT TO LOCAL RULE 7.1

Pursuant to Local Rule 7.1, I, Anne V. Kim, hereby certify that I conferred by telephone with Plaintiff's counsel, Tracey M.A. Stockton on November 18, 2025 in an effort to narrow disagreement with respect to the issues raised in the within Motion, but we were not able to come to agreement.

/s/ Anne V. Kim
Anne V. Kim

CERTIFICATE OF SERVICE

I, Anne V. Kim, hereby certify that this document, filed through the ECF system, will be sent electronically to the registered participants as identified on the Notice of Electronic Filing (NEF) and that a true and correct paper copy of the foregoing will be sent those indicated as non-registered participants via first class mail, postage prepaid on November 19, 2025.

/s/ Anne V. Kim
Anne V. Kim